

(Declaration ¶ 10).

Thus, the present application as filed fully enables the present claims. One of ordinary skill in the art, after reviewing the present specification as filed, would be enabled to use the compounds in the method of the present invention, because it was known that such calpain inhibitors were cell permeable and that such calpain inhibitors were used *in vivo*.

The rejection of claims 6 and 7 under 35 U.S.C. §102(a) as anticipated by Chen et al., Proceedings of the American Association for Cancer Research Annual Meeting, 40:447-48 (March 1999) ("Chen") is respectfully traversed.

Chen is not available as prior art against the claims of the present invention. The present application was filed on December 22, 2000. The application claims priority to U.S. Provisional Patent Application 60/172,004, filed December 23, 1999. As shown in the Declaration (¶¶ 11-14), Chen does not describe a reference "by others" and, accordingly, is not available as prior art under 35 U.S.C. § 102(a). Thus, the rejection is improper and should be withdrawn.

In view of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

March 5, 2007  
Date

/karla m weyand/  
Karla M. Weyand  
Registration No. 40,223

Rogalskyj & Weyand, LLP  
P.O. Box 1927  
Williamsville, New York 14231-1927  
Tel: 716-626-5380  
Fax: 716-626-5384